

## **IC 25-34.1-8**

### **Chapter 8. Real Estate Appraiser Certification Board**

#### **IC 25-34.1-8-1**

Sec. 1. The real estate appraiser licensure and certification board is created.

*As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.10.*

#### **IC 25-34.1-8-2**

Sec. 2. (a) The board consists of seven (7) members appointed by the governor as follows:

- (1) Five (5) members who are real estate appraisers:
  - (A) who are licensed or certified under this article;
  - (B) who have at least five (5) years experience as real estate appraisers; and
  - (C) at least three (3) of whom are certified appraisers.
- (2) One (1) representative who represents lenders qualified to:
  - (A) make Federal Housing Administration insured loans and Veterans Administration guaranteed loans; and
  - (B) sell loans to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.
- (3) One (1) member who is not associated with the real estate business in any way other than as a consumer.

(b) When making appointments under subsection (a), the governor shall consider the geographic areas represented on the board.

*As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.11.*

#### **IC 25-34.1-8-3**

Sec. 3. Each board member serves for a term of four (4) years.

*As added by P.L.186-1990, SEC.14.*

#### **IC 25-34.1-8-3.5**

Sec. 3.5. (a) The board shall annually elect one (1) of its members to be the chair and another member to be the vice chair.

(b) A member of the board who serves as chair or vice chair serves until a successor is elected.

(c) A member who serves as chair or vice chair may serve not more than two (2) consecutive terms in that capacity.

(d) The chair shall preside at all of the board's meetings.

(e) The vice chair shall:

- (1) preside at meetings in the absence of the chair; and
- (2) perform other duties as directed by the chair.

*As added by P.L.236-1995, SEC.51.*

#### **IC 25-34.1-8-4**

Sec. 4. (a) The board must have a quorum to transact business.

(b) Four (4) members of the board constitute a quorum.

*As added by P.L.186-1990, SEC.14.*

**IC 25-34.1-8-5**

Sec. 5. The affirmative vote of four (4) members of the board is required for the board to take action.

*As added by P.L.186-1990, SEC.14.*

**IC 25-34.1-8-6**

Sec. 6. The board shall submit recommendations to the commission concerning the following:

(1) Implementation and operation of the real estate appraiser licensure and certification program under IC 25-34.1-3-8.

(2) Rules governing real estate appraisers licensed and certified under IC 25-34.1-3-8.

*As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.12.*

**IC 25-34.1-8-7**

Sec. 7. The board shall do the following:

(1) Approve and disapprove applications for licensure and certification.

(2) Issue licenses and certificates.

*As added by P.L.186-1990, SEC.14. Amended by P.L.183-1991, SEC.13.*

**IC 25-34.1-8-8**

*(Repealed by P.L.183-1991, SEC.19.)*

**IC 25-34.1-8-9**

Sec. 9. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

*As added by P.L.186-1990, SEC.14.*

**IC 25-34.1-8-10**

Sec. 10. To be licensed or certified as a real estate appraiser, an individual must meet the following conditions:

(1) Not have a conviction for any of the following:

(A) An act that would constitute a ground for disciplinary sanction under IC 25-1-11.

(B) A crime that has a direct bearing on the individual's ability to practice competently.

(C) Fraud or material deception in the course of professional services or activities.

(D) A crime that indicates the individual has the propensity to endanger the public.

(2) Have satisfied the requirements established under IC 25-34.1-3-8(f).

*As added by P.L.183-1991, SEC.14. Amended by P.L.214-1993,*

*SEC.85; P.L.182-1996, SEC.3.*

**IC 25-34.1-8-11**

*(Repealed by P.L.214-1993, SEC.91.)*

**IC 25-34.1-8-12**

Sec. 12. (a) A person who:

(1) performs:

(A) the acts of a licensed real estate appraiser without a license; or

(B) the acts of a certified real estate appraiser without a certificate; or

(2) conducts or solicits or accepts enrollment of students for a course as prescribed in IC 25-34.1-3-10 without course approval; commits a Class B infraction. When a judgment is entered for an offense under this section, the court shall add to any fine imposed the amount of any fee or other compensation earned in the commission of the offense. Each transaction constitutes a separate offense.

(b) In all actions for the collection of a fee or other compensation for performing acts regulated by this article, a party seeking relief must allege and prove that at the time the cause of action arose the party was not in violation of this section.

(c) The attorney general, the board, or the prosecuting attorney of any county in which a violation occurs may maintain an action in the name of the state of Indiana to enjoin a person from violating this section.

(d) In charging any person in a complaint for a judgment or an injunction for the violation of this section, it is sufficient, without averring any further or more particular facts, to charge that the person upon a certain day and in a certain county:

(1) acted as:

(A) a certified real estate appraiser without a certificate; or

(B) a licensed real estate appraiser without a license; or

(2) conducted, or solicited or accepted enrollment of students for a real estate appraiser course without course approval.

(e) Each enforcement procedure established in this section is supplemental to other enforcement procedures established in this section.

*As added by P.L.183-1991, SEC.16.*

**IC 25-34.1-8-13**

Sec. 13. (a) A person may not conduct, solicit, or accept student enrollment for a real estate appraiser school or course represented as satisfying the requirements of the board without approval of the school or course by the board.

(b) The approval of a school and course expires January 1 of each year. To obtain renewal of approval of a school or course, a school must submit a letter requesting approval or renewal to the board.

(c) A school conducting an approved course shall allow the board to inspect the school's records and facilities. A school shall report any significant proposed change in curriculum, faculty, or facilities to the

board at least thirty (30) days before the change. A change is not effective unless the change is approved by the board.

(d) The board may deny, suspend, or revoke approval of a school or course if the board determines that the school or course does not comply with the requirements established:

- (1) under the federal act;
- (2) by federal regulations; and
- (3) by the commission as recommended by the board.

*As added by P.L.183-1991, SEC.17.*

#### **IC 25-34.1-8-14**

Sec. 14. (a) To obtain course approval, a person must apply to the board by submitting the following:

- (1) A bond in the amount of ten thousand dollars (\$10,000).
- (2) An application that includes the following:
  - (A) A copy of the accreditation certificate issued by the appropriate accreditation body, if any.
  - (B) A detailed teaching syllabus.
  - (C) A proposed certificate to be issued to students who successfully complete the course.
  - (D) Other information and documents that may be required by the board.

(b) If the course is to be conducted by a corporation, the application shall also include the following:

- (1) Names and residence addresses of all directors and officers.
- (2) A copy of the certificate of incorporation.
- (3) A certificate of good standing of the corporation issued by the secretary of state.

(c) The board shall be the obligee under the bond issued under subsection (a). The bond shall be:

- (1) executed by the person seeking course approval and by a corporate surety, licensed to do business in Indiana, as surety;
- (2) in the form and with the terms and conditions required by the board;
- (3) conditioned upon faithful compliance with all requirements of an approved course as provided by this article and the rules adopted by the commission on recommendation of the board; and
- (4) effective from the bond's effective date and continue in effect until canceled.

(d) The total and aggregate liability of the surety on a bond is limited to the amount specified in the bond. The continuous nature of the bond does not cause the liability of the surety under the bond to accumulate for each successive approval period during which the bond is in force.

(e) To provide continuous bonding of the school's activities, a school providing an approved course may not cancel a bond without the board's prior written approval of cancellation and approval of a substitute bond. The surety on a bond may cancel a bond filed under this article only after ninety (90) days from the date the surety sends by registered or certified mail a notice of intent to cancel to the board and to the school.

(f) To provide continuous bond coverage of the school's activities, the school shall give written notice to the board, not later than thirty (30) days before the date upon which a bond cancellation becomes effective, that a new bond has been obtained.

(g) If a school has submitted a bond under IC 25-34.1-5-3, the school may augment that bond in the amount required under this section and for the purposes required under this section.

*As added by P.L.183-1991, SEC.18.*